

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 233 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

PATEL JIVRAMBHAI SHIVRAMBHAI

Appearance:

MR SA PANDYA, ADDL.PUBLIC PROSECUTOR for Petitioner

MR KIRIT R.RAVAL for MR DK MODI for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 12/09/97

ORAL JUDGEMENT

The State has come up before this Court seeking leave to file Appeal against the order of ld.JMFC, Unja when he acquitted the accused for offence under Prevention of Adulteration Act.

The offending article was Turmeric Powder.

However, so far as the alleged adulteration of the Powder is concerned, the prosecution has not proved it at all because, the Laboratory reports before the trial Court indicate only ocular examination, no doubt, with the help of Microscope. Substance like Turmeric power to find out whether it is adulterated or not can easily be dealt with by scientifically devised chemical process and then alone, the adulteration, if any, can be established.

Opinion based on ocular evidence though with the help of Microscope cannot bring about the same result as a chemical test would have, because, at later stage also, if necessary, that very test could be repeated and adulteration could conclusively be established. That would not be possible in case where the adulteration is alleged only on ocular evidence.

In this background, there is no substance in this application. The same is hereby rejected. Rule is discharged.

sreeram.